

REMARKS

Amended independent Claim 1 and amended dependent Claims 2-8, as shown above, may be difficult to read, because of the many amendments thereto, Applicant reproduces them herein, as separate Pages 5-6, in slightly different format and without underlining and/or interlineations, to hopefully enable the Examiner to follow them more easily in combination with the REMARKS set forth below.

The new terms, “unitary”, “single thickness”, “planar”, “sides in opposed, spaced-apart, faced-apart arrangement”, “[receive a label] one at a time...”, “[opening]...passing through...”, “single piece construction”, “graspable by the user’s fingers and hand when handling the tag”, and “showing the purpose of the key” are fully supported by the drawings and further supported, either directly or by implication, in the specification.

The Examiner has rejected Claims 1-5 and 7 as being unpatentable [under 35 U.S.C. 103(a)] over Song (US 5,617,751) in view of Callahan (U.S. 4,235,459). It is Applicant’s position that the patents to Song and Callahan are not realistically able to be combined to reject these Claims.

The Examiner has stated, as his reasons for using these references in combination as a basis for rejection, as follows:

Song discloses a key tag, as shown in Figures 5a-5b, that is comprised of a plastic or metal tag having a first side and a second side, both defined as Part #50, as described in lines 20-21 of column 5, where said first side and said second side are indented, as shown in Figure 5b, and are both capable of accommodating a label, defined as Part #58 in Figure 6b, that is secured to said first or second side by means of an adhesive, as described in lines 4-12 of column 5, and an opening, defined by Part #62 in Figures 6a-b, is located between said first side and said second side for accommodating a key ring, defined as Part #10, as described in lines 51-53 of column 4.

The Examiner then states:

Callahan discloses a marking system, as shown in Figures 1-4, that is comprised of a pre-formatted label sheet or card, defined as Part #10, with a plurality of labels, defined as Part #12, provided thereon, said labels being provided as a system for marking objects such as keys, as described in lines 26-33 of column 1, where said labels are affixed to an object by means of an adhesive. [Final Office Action, page 2 (lines 16-25) to page 3, lines 3-10].

The Examiner then makes a very strange statement:

The use of a key tag with a plurality of openings for attaching a plurality of key rings to said key tag would be considered by one of ordinary skill in the art to be an obvious multiplication of parts for the purpose of providing attachment means for multiple key rings instead of a single key.

What is unfathomable is that there is no multiplication of parts, from the combined references to Applicant's invention, shown in Claims 1-5 and 7. To the contrary, there is a seemingly disregard of the many parts of Song, and Callahan just to get to Applicant's invention.

Specifically, Song discloses a fob 14 made with a cutout 24, a dome 20, a folded-over t-member 34, a dome flange 26, where the dome flange is snapped into place in cut-out 24 in flange 26. How easy is it to change labels in fob 14? One must dig out dome 20 and, only if it is not damaged, put it over the new label. Otherwise, a new dome must be used. How can apply a new or replacement label on the fob? By digging or breaking out the dome to get access to the label surface. Hopefully this action will not break or deface the dome so that it cannot be re-used and need to be replaced. This is not an easy invention to use!

While it is true that Callahan discloses a marking system, it is comprised of a pre-formatted label sheet carrying a plurality of removable labels on which symbols are printed, that have an adhesive surface for application to a "key", where the system also contains a portion of the sheet on which the symbols are reproduced in sequence, along with a series of lines for writing the actual purpose of the key next to the symbol. So, Callahan applies a label containing a symbol (not a pre-printed name or a name to be written on the blank label) to a key (not to a tag attached to the key), for personal comparison of the symbol (not identification of the actual purpose of the key on the tag) to the portion of the sheet that is torn or cut off the sheet and

stored in one's wallet. This requires far more human intervention that is shown in the use of Applicant's invention. In addition, this reference is about as far as possible from the invention, or even a portion of Applicant's invention. In addition, Callahan's specification does not disclose or suggest the use of a tag as a means to carry an identifier of the key. How can Callahan be part of an obviating reference? Callahan requires the user to continually refer to a "cheat sheet" in order to identify the key!

The Examiner then concludes that, from all this prior art, the Applicant has made the "obvious" step of taking a little of this reference, a little of that reference, and contorting Callahan into being a one-stop reference of labels to come up with an unpatentable invention.

The Examiner ends his analysis with the statement:

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a pre-formatted label card with a plurality of adhesive labels thereon, as taught by Callahan, in combination with key tag and adhesive labels as disclosed by Song for the purpose of providing a medium for distributing a plurality of adhesive labels for use as markers on key tags. [First Office Action, page 3, lines 20-24].

What the Examiner has failed to realize is that Applicant has combined a very small number of parts to produce a product that two other inventors (the references) could not have produced unless they had the ingenuity to select one part and reject other parts and then combine the selected parts in a unique way to produce a better overall product. Applicant's invention is a single, unitary product, that, other than the labels that are to be adhered to the surfaces, is planar, takes up little room in one's pocket and, most importantly, is made of a single piece of plastic or metal. Think about the times one has reached into a pocket or purse to find car keys only to find that the many parts, that go into making up the key tag, have fallen apart in the pocket or purse to

be lost in the nail clippers, pocket watches, cell phones, note book, coins and paper money.

Applicant's invention is a singular piece of flat plastic or metal that does only one thing, that of identifying an attached key to a certain use. There is no need to use a separate sheet of paper to determine what the code on the key refers to. When another key is to be used with Applicant's key tag, one merely sticks another label, showing the direct use of the key, over the last label.

There is no need to pry off any "domes" or other covering that may scratch one's hands, bend or somehow damage the tag, or become itself damaged to the point that full replacement is required.

The opening in the tag, for the key attachment, will not fall out from Applicant's tag as it is surrounded by the body of the tag. Song, on the other hand, has the connection ring inserted in a hole formed between the surfaces. The metal attachment can easily slip out of the insert opening - not so with applicant's invention. This arrangement of parts by applicant is clearly invention over the cited references.

None of the advantages of Applicant's invention are available in the products identified in the claims of the prior art patents or described in their specifications, either individually or in combination. On the one hand there is the Applicant's patented invention with its single or double parts (tag and labels). On the other hand there is a pile of numerous parts of the cited references. A simple review of this will give appreciation to the fact that Applicant's claimed invention saves material, parts, labor to produce and assembly of the parts, and ultimately benefits the public by providing a better product for less money than is spent on the products of the referenced patents. This, then, is invention and Applicant's drawings, specification and claims, especially Claims 1 - 5 and 7 clearly and distinctly describe the invention.

Based upon the above amendments and arguments, Applicant respectfully requests the Examiner withdraw the cited references to Claims 1 - 5 and 7 and approve amended Claims 1 - 5 and 7 for patenting.



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